



MITCHELL SILBERBERG & KNUPP LLP
A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

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Partner, through his professional corporation
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August 12, 2020

BY ECF ONLY

The Honorable Ronnie Abrams, U.S.D.J.
United States District Court for the
Southern District of New York
40 Foley Square, Room 2203
New York, New York 10007

Re: Simon Letchford v. Scotwork (North America) Inc., et al.
No. 19-cv-8921 (RA)

Dear Judge Abrams:

This firm represents Plaintiff Simon Letchford (“Plaintiff”) in connection with the above-referenced matter. Plaintiff writes pursuant to Your Honor’s Individual Rule 1.D. to request a brief adjournment of the post-discovery conference scheduled for August 14, 2020.

As counsel for the parties informed Your Honor in the joint submission on Friday, August 7, 2020 (Dkt. No. 28), the depositions of witnesses from Defendants Scotwork (North America) Inc. and Scotwork Limited (SI) (collectively, “Defendants”) took place between July 20 and July 27, 2020. During the depositions, and again in writing after, Plaintiff’s counsel identified several documents and categories of documents that the witnesses referenced in the depositions which were not produced in discovery. *See* Exhibit 1 hereto, pp. 13-15 (July 27, 2020 email from J. Albertson). The parties subsequently met and conferred by telephone on multiple occasions regarding these issues (including on July 30, August 7, August 10, and August 12). Plaintiff proposed extending the July 31 discovery deadline on grounds that there were outstanding discovery disputes; Defendants declined this request but agreed that they would not oppose, on grounds of untimeliness, a motion to compel (or other appropriate request for relief in accordance with the Court’s rules) by Plaintiff regarding these issues. *Id.*, pp. 8-11 (July 30, 2020 emails between J. Albertson and J. Guilfoyle). In reliance on that statement, Plaintiff’s counsel determined not to burden the Court with a request for discovery relief prior to exhausting the meet and confer process. Defendants also agreed to meet and confer regarding possible adjournments following their production of documents. *Id.*

On August 5, 2020, Defendants made a supplemental production in response to Plaintiff’s requests. *Id.*, pp. 6-7 (August 5, 2020 email from J. Guilfoyle). Following additional meet and confers, Defendants have stated that they will produce additional documents. *See id.*, p. 1 (August 12, 2020 email from J. Guilfoyle). With respect to at least one category of documents, Defendants have indicated that they are unwilling to produce, and Plaintiff will be requesting Court relief as to that category of documents. The parties continue to meet and confer regarding other categories of discovery (*see id.* p. 3 (August 11, 2020 email from J. Guilfoyle requesting an additional meet and confer)), which may narrow the scope of relief requested.



The Honorable Ronnie Abrams, U.S.D.J.
August 12, 2020
Page 2

In light of the fact that the meet and confer process is ongoing, and the fact that Plaintiff will need to seek Court relief as to certain discovery issues, Plaintiff respectfully submits that it would be premature to have a post-discovery conference with the Court on August 14, and therefore it would be appropriate to adjourn conference to a date and time convenient for the Court following adjudication of these discovery disputes (or informal resolution among the parties).

Defendants' counsel stated this morning, for the first time, that Defendants do not consent to this request to adjourn the conference.¹ The stated basis for Defendants' refusal to consent is that they do not believe that the outstanding discovery disputes "are worth a motion to the Court." *Id.*, p. 1 (August 12, 2020 email from J. Guilfoyle). But Defendants' position regarding the "worth" of these issues should not determine whether Plaintiff has a right to seek relief from the Court. Indeed, as Plaintiff's submission will make clear, the disputes relate to documents that are central to this case, but which Defendants refuse to produce despite acknowledging their existence. Moreover, Your Honor's rules require that, prior to raising a discovery dispute with the Court, the parties "must first confer in good faith with the opposing party, in person or by telephone, in an effort to resolve the dispute." As stated above and demonstrated in Exhibit 1, the parties' meet and confer on these issues was continuing through at least this morning. Plaintiff should be given the opportunity to submit a letter to the Court pursuant to Rule 3 of this Court's Individual Rules, and have that dispute adjudicated, prior to the hearing of a post-discovery conference.

Should Your Honor have any questions or require any additional information, we are available at the Court's convenience.

Respectfully Submitted,

MITCHELL SILBERBERG & KNUPP LLP

/s/ Jacob D. Albertson

Jacob D. Albertson, Esq.
Elaine Nguyen, Esq.

Attorneys for Plaintiff

Cc: All counsel of record (via ECF)

The conference shall proceed as scheduled. The parties are directed to meet and confer regarding the purposed discovery dispute by the end of the day today, August 12, 2020. To the extent that a dispute still remains, Plaintiff shall submit to the Court a letter describing the precise contours of the dispute no later than 9:00 am tomorrow. Defendants may respond by submitting their own letter no later than 3:00 pm tomorrow.

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Ronnie Abrams", written over a horizontal line.

Ronnie Abrams, U.S.D.J.

8/12/2020

¹ Despite multiple, good faith efforts by the undersigned to allow Defendants ample time to provide an answer regarding whether they consent to this extension, Defendants did not give an answer until 10:59 a.m. today.

EXHIBIT 1

From: Guilfoyle, Justin
To: [Albertson, Jacob](#)
Cc: [Daub, Tara Eyer](#); [Nguyen, Elaine](#)
Subject: RE: [EXTERNAL] RE: Letchford v. Scotwork
Date: Wednesday, August 12, 2020 10:59:02 AM

-EXTERNAL MESSAGE-

Jacob,

My apologies for the delay. We will agree to turn over the Alan Smith email subject to our prior objections. However, we do not believe that the remaining two items you are asking for are worth a motion to the Court, and we maintain our previously stated objections. We believe that these remaining two issues can be discussed with and resolved by the Court during Friday's conference and therefore do not believe that an adjournment of that conference is appropriate.

Regards,
 Justin

From: Albertson, Jacob <j1a@msk.com>
Sent: Wednesday, August 12, 2020 10:43 AM
To: Guilfoyle, Justin <jguilfoyle@nixonpeabody.com>
Cc: Daub, Tara Eyer <TDaub@nixonpeabody.com>; Nguyen, Elaine <eln@msk.com>
Subject: RE: [EXTERNAL] RE: Letchford v. Scotwork

If we do not hear from you by 11, we will submit our letter and will have no choice but to inform the Court that you have not responded to multiple requests regarding whether you consent to this adjournment. As you know, I raised the issue of extending the conference date multiple times starting over two weeks ago, and expressly identified the 48-hour deadline in the Court's rules.



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From: Albertson, Jacob
Sent: Wednesday, August 12, 2020 10:18 AM
To: 'Guilfoyle, Justin' <jguilfoyle@nixonpeabody.com>

Cc: Daub, Tara Eyer <TDaub@nixonpeabody.com>; Nguyen, Elaine <eln@msk.com>
Subject: RE: [EXTERNAL] RE: Letchford v. Scotwork

Justin, thanks for the call this morning. As discussed, I need to get the letter to Judge Abrams on file 48 hours prior to the conference. I will be requesting adjournment of the 8/14 conference to a date and time convenient for the Court following adjudication of discovery disputes (or informal resolution among the parties).

Please let me know by 10:30 whether Defendants consent to this requested adjournment.



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From: Guilfoyle, Justin <jguilfoyle@nixonpeabody.com>
Sent: Tuesday, August 11, 2020 8:24 PM
To: Albertson, Jacob <j1a@msk.com>
Cc: Daub, Tara Eyer <TDaub@nixonpeabody.com>; Nguyen, Elaine <eln@msk.com>
Subject: Re: [EXTERNAL] RE: Letchford v. Scotwork

-EXTERNAL MESSAGE-

I have calls at 10 and 11. Does 930 work?

Justin

On Aug 11, 2020, at 7:06 PM, Albertson, Jacob <j1a@msk.com> wrote:

I could speak tomorrow morning.

Sent with BlackBerry Work
(www.blackberry.com)

From: Guilfoyle, Justin <jguilfoyle@nixonpeabody.com>

Date: Tuesday, Aug 11, 2020, 2:07 PM

To: Albertson, Jacob <j1a@msk.com>

Cc: Daub, Tara Eyer <TDaub@nixonpeabody.com>, Nguyen, Elaine <eln@msk.com>

Subject: RE: [EXTERNAL] RE: Letchford v. Scotwork

-EXTERNAL MESSAGE-

Jacob,

Good afternoon. Are you available for a call this afternoon to discuss? I am currently free between 3:00 and 4:30.

Justin

From: Albertson, Jacob <j1a@msk.com>

Sent: Monday, August 10, 2020 7:25 PM

To: Guilfoyle, Justin <jguilfoyle@nixonpeabody.com>

Cc: Daub, Tara Eyer <TDaub@nixonpeabody.com>; Nguyen, Elaine <eln@msk.com>

Subject: RE: [EXTERNAL] RE: Letchford v. Scotwork

Justin,

As we discussed on the call today, there may have been some confusion regarding our "Request 7," which sought documents referred to in Mr. McMillan's December 21, 2018 email. To be clear, Mr. McMillan testified that he sent this email to Mr. Smith because Mr. Smith had written to Brian Buck congratulating him on his appointment as CEO during 2018. During the deposition, I called for the production of that correspondence between Mr. Smith and Mr. Buck, and you asked that I put that request in writing. Our "Request 7" was intended as just that.

During the call, you stated that you had understood our Request 7 differently, but stated that you would search for and produce the correspondence between Mr. Smith and Mr. Buck (as well as any other communications in that chain) referred to by Mr. McMillan. Please confirm.

Also, as I stated on the phone, we will be seeking Court relief with respect to at least one issue over which we have met and conferred. I asked whether you would consent to a request to adjourn the August 14th Court conference, on grounds that it would be premature to have the conference while discovery issues are unresolved. (Of course, we recognize that by doing so, you would not be waiving the right to oppose our motion on any ground other than timeliness, as we have discussed.) You said you would speak with your client and get back to us. Please do so by the end of the day tomorrow.

Best,

Jake

<image001.gif>

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From: Guilfoyle, Justin <jguilfoyle@nixonpeabody.com>

Sent: Friday, August 7, 2020 5:34 PM

To: Albertson, Jacob <j1a@msk.com>

Cc: Daub, Tara Eyer <TDaub@nixonpeabody.com>; Nguyen, Elaine <eln@msk.com>

Subject: RE: [EXTERNAL] RE: Letchford v. Scotwork

-EXTERNAL MESSAGE-

Jacob – we have accepted all of your proposed revisions and removed the comments.

Justin

From: Albertson, Jacob <j1a@msk.com>

Sent: Friday, August 7, 2020 5:00 PM

To: Guilfoyle, Justin <jguilfoyle@nixonpeabody.com>

Cc: Daub, Tara Eyer <TDaub@nixonpeabody.com>; Nguyen, Elaine <eln@msk.com>

Subject: RE: [EXTERNAL] RE: Letchford v. Scotwork

Justin, I have accepted all of your changes in the document, and made additional redline changes which affect the changes you made. I believe they are self-explanatory, but included comment bubbles for your reference where appropriate. Give me a call if you would like to discuss further changes. If not, please return to us for filing.

<image001.gif>

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From: Guilfoyle, Justin <jguilfoyle@nixonpeabody.com>
Sent: Friday, August 7, 2020 4:41 PM
To: Albertson, Jacob <j1a@msk.com>
Cc: Daub, Tara Eyer <TDaub@nixonpeabody.com>; Nguyen, Elaine <eln@msk.com>
Subject: [EXTERNAL] RE: Letchford v. Scotwork

-EXTERNAL MESSAGE-

Jacob –

Attached please find the joint status letter with our revisions made in track changes.

Thank you.

Justin

From: Albertson, Jacob <j1a@msk.com>
Sent: Friday, August 7, 2020 3:31 PM
To: Guilfoyle, Justin <jguilfoyle@nixonpeabody.com>
Cc: Daub, Tara Eyer <TDaub@nixonpeabody.com>; Nguyen, Elaine <eln@msk.com>
Subject: RE: Letchford v. Scotwork

Justin, please see the attached proposed joint status letter. Please mark up any changes you may have in tracked changes and return to us for filing.

<image001.gif>

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From: Guilfoyle, Justin <jguilfoyle@nixonpeabody.com>

Sent: Thursday, August 6, 2020 10:50 PM

To: Albertson, Jacob <j1a@msk.com>

Cc: Daub, Tara Eyer <TDaub@nixonpeabody.com>; Nguyen, Elaine <eln@msk.com>

Subject: [EXTERNAL] Re: Letchford v. Scotwork

-EXTERNAL MESSAGE-

Jake,

We are available between 2pm and 4pm tomorrow to discuss the joint letter. Please let us know if some time in there works for you, and we can get it on the calendar.

Justin

On Aug 6, 2020, at 9:37 PM, Albertson, Jacob <j1a@msk.com> wrote:

Thank you, Justin. We are reviewing and will be available to meet and confer regarding your letter and production next week.

Our joint letter to the Court is due tomorrow. Please let me know when you can meet and confer to discuss the letter. Or, if you would rather send us a proposed draft, that is fine as well.

Best,

Jake

<image001.gif>

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From: Guilfoyle, Justin <jguilfoyle@nixonpeabody.com>

Sent: Wednesday, August 5, 2020 3:18 PM

To: Albertson, Jacob <j1a@msk.com>

Cc: Daub, Tara Eyer <TDaub@nixonpeabody.com>; Nguyen, Elaine

<eln@msk.com>

Subject: [EXTERNAL] RE: Letchford v. Scotwork

-EXTERNAL MESSAGE-

Jacob,

Good afternoon. My apologies on the delay in getting Defendants' responses to you. As you may have heard, as a result of yesterday's storm, there have been significant power and cell service outages throughout Long Island, which significantly hindered our work capabilities since midday yesterday.

Nonetheless, attached please find Defendants' written responses and the documents referenced therein, which can be accessed *via* the below link:

Link: <https://spaces.hightail.com/receive/C3F8wKwmBy>

Access Code: 20200805Np!

Link will expire in 7 days.

Regards,

Justin

From: Albertson, Jacob <j1a@msk.com>

Sent: Tuesday, August 4, 2020 8:21 PM

To: Guilfoyle, Justin <jguilfoyle@nixonpeabody.com>

Cc: Daub, Tara Eyer <TDaub@nixonpeabody.com>; Nguyen, Elaine <eln@msk.com>

Subject: RE: Letchford v. Scotwork

Justin,

We have still not received Defendants' responses to Plaintiff's document demands sent on July 21 and July 27, which you committed to provide by early this week.

Best,

Jake

< >

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From: Albertson, Jacob
Sent: Thursday, July 30, 2020 4:45 PM
To: 'Guilfoyle, Justin' <jguilfoyle@nixonpeabody.com>
Cc: Daub, Tara Eyer <TDaub@nixonpeabody.com>; Nguyen, Elaine <eln@msk.com>
Subject: RE: Letchford v. Scotwork

So noted. Thanks.

<image001.gif>

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From: Guilfoyle, Justin <jguilfoyle@nixonpeabody.com>
Sent: Thursday, July 30, 2020 4:43 PM
To: Albertson, Jacob <j1a@msk.com>
Cc: Daub, Tara Eyer <TDaub@nixonpeabody.com>; Nguyen, Elaine <eln@msk.com>
Subject: [EXTERNAL] RE: Letchford v. Scotwork

-EXTERNAL MESSAGE-

Hi Jacob,

My responses, where necessary, are below in red.

Thanks.

Justin

From: Albertson, Jacob <j1a@msk.com>
Sent: Thursday, July 30, 2020 3:54 PM
To: Guilfoyle, Justin <jguilfoyle@nixonpeabody.com>
Cc: Daub, Tara Eyer <TDaub@nixonpeabody.com>; Nguyen, Elaine <eln@msk.com>
Subject: RE: Letchford v. Scotwork

Thanks, Justin. My responses below, taking it point-by-point. Feel free to call if any of the below needs clarification.

As discussed on our call earlier this afternoon, defendants will provide their responses to plaintiff's post-deposition discovery requests by early next week.

- RESPONSE: Agreed. You stated that you would be producing documents. Please confirm that when you say you will provide responses by early next week, you also mean that you will be producing any documents you agree to produce by early next week.
 - JG RESPONSE: Yes – we will be producing documents as part of the responses I referenced in my email.

Additionally, we confirmed that defendants will not oppose a potential motion to compel filed by plaintiff on the grounds of untimeliness, given that the discovery end date is currently July 31, 2020 and that there is a joint letter due to the Court on August 7, 2020 in advance of the August 14, 2020 conference.

- RESPONSE: Agreed. As I stated, based on your representation that you would not oppose a motion (or other procedure as set forth in the Judge's rules) on timeliness grounds, we are okay with not burdening the Court to seek an extension at this point. I stated that my only goal is to not prejudice my client's ability to obtain the necessary discovery, and in order to do so I needed confirmation that you will not seek to block or oppose any such discovery on timeliness grounds. We agreed that your offer alleviates this concern.

This is based upon the plaintiff's filing of any such a motion prior to the currently scheduled conference on August 14, 2020.

- RESPONSE: We did not discuss or agree to this on the phone. While we have every intention of filing a motion (or such other papers as required by the Court's rules) as expeditiously as possible, I cannot yet commit to a particular date because I have not seen your responses, do not know what you will be producing, and do not know the nature of any objections you might make.
 - JG RESPONSE: I recall mentioning that the filing of any

potential motion to compel prior to appearing for the post-discovery conference. Our intention here is simply to convey that we will not oppose any such motion on timeliness grounds to the extent the motion is made within a reasonable amount of time and not at such a later date that it would interfere with summary judgment motion practice. If there is any issue with our respective understandings here, I am sure they can be alleviated during our meet and confer next week to the extent such a teleconference is necessary.

We also agreed that the parties would meet and confer prior to submitting the joint letter to the extent that plaintiff has an issue with defendants' responses to the post-deposition discovery requests and that during any such call, the parties would discuss possible adjournment of deadlines, to the extent a party believes it is necessary to do so.

- RESPONSE: Agreed.

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From: Guilfoyle, Justin <jguilfoyle@nixonpeabody.com>

Sent: Thursday, July 30, 2020 3:39 PM

To: Albertson, Jacob <j1a@msk.com>

Cc: Daub, Tara Eyer <TDaub@nixonpeabody.com>; Nguyen, Elaine <eln@msk.com>

Subject: [EXTERNAL] RE: Letchford v. Scotwork

-EXTERNAL MESSAGE-

Jacob,

As discussed on our call earlier this afternoon, defendants will provide their responses to plaintiff's post-deposition discovery requests by early next week. Additionally, we confirmed that defendants will not oppose a

potential motion to compel filed by plaintiff on the grounds of untimeliness, given that the discovery end date is currently July 31, 2020 and that there is a joint letter due to the Court on August 7, 2020 in advance of the August 14, 2020 conference. This is based upon the plaintiff's filing of any such a motion prior to the currently scheduled conference on August 14, 2020. We also agreed that the parties would meet and confer prior to submitting the joint letter to the extent that plaintiff has an issue with defendants' responses to the post-deposition discovery requests and that during any such call, the parties would discuss possible adjournment of deadlines, to the extent a party believes it is necessary to do so.

Regards,
Justin

From: Albertson, Jacob <j1a@msk.com>
Sent: Wednesday, July 29, 2020 12:43 AM
To: Guilfoyle, Justin <jguilfoyle@nixonpeabody.com>
Cc: Daub, Tara Eyer <TDaub@nixonpeabody.com>; Nguyen, Elaine <eln@msk.com>
Subject: RE: Letchford v. Scotwork

I can speak at 1:30 eastern on Thursday. Please send a dial-in.

<image001.gif>

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From: Guilfoyle, Justin <jguilfoyle@nixonpeabody.com>
Sent: Tuesday, July 28, 2020 7:25 PM
To: Albertson, Jacob <j1a@msk.com>
Cc: Daub, Tara Eyer <TDaub@nixonpeabody.com>; Nguyen, Elaine <eln@msk.com>
Subject: [EXTERNAL] RE: Letchford v. Scotwork

-EXTERNAL MESSAGE-

Jacob,

We can schedule our call for Thursday early afternoon (something like 1pm Eastern), which is a difference of less than 24 hours compared with speaking tomorrow. If there is something more to discuss after our conversation on Thursday, we can continue to speak and to the extent you may need an additional day to write to the Court, we would not object to that submission on Monday. We just do not understand why a discussion as to an extension of the discovery end date is necessary prior to our call on Thursday, and as such, we believe that it is premature to agree to an such extension of at least two weeks at this juncture.

Regards,
Justin

From: Albertson, Jacob <j1a@msk.com>
Sent: Tuesday, July 28, 2020 4:30 PM
To: Guilfoyle, Justin <jguilfoyle@nixonpeabody.com>
Cc: Daub, Tara Eyer <TDaub@nixonpeabody.com>; Nguyen, Elaine <eln@msk.com>
Subject: RE: Letchford v. Scotwork

Justin, I am happy to discuss on Thursday. However, as you know, the current end date of discovery is July 31 (Friday). We are not willing to wait until Thursday to reach out to the judge unless you can provide an assurance that Defendants will consent to a brief extension (at least 2 weeks, possibly more, depending on the outcome of our discussions) of the discovery deadline. To be clear, I do not propose keeping open all discovery, but only keeping it open for the limited purpose of dealing with discovery relating to the documents and categories of documents referenced in my email and letter.

Please advise. I will get back to you with times for Thursday.

<image001.gif>

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Jacob Albertson | Partner, through his professional corporation

T: 917.546.7714 | j1a@msk.com

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From: Guilfoyle, Justin <jguilfoyle@nixonpeabody.com>
Sent: Tuesday, July 28, 2020 4:14 PM
To: Albertson, Jacob <j1a@msk.com>
Cc: Daub, Tara Eyer <TDaub@nixonpeabody.com>; Nguyen, Elaine <eln@msk.com>
Subject: [EXTERNAL] RE: Letchford v. Scotwork

-EXTERNAL MESSAGE-

Jacob,

Good afternoon. We are in receipt of your correspondence from yesterday evening. I am out of pocket today and have a multi-plaintiff mediation throughout the day tomorrow. We propose setting up a time to speak on Thursday afternoon that is most convenient for you. Let us know what time works for you, and I will get it on the calendar.

Regards,
Justin

From: Albertson, Jacob <j1a@msk.com>
Sent: Monday, July 27, 2020 8:14 PM
To: Guilfoyle, Justin <jguilfoyle@nixonpeabody.com>
Cc: Daub, Tara Eyer <TDaub@nixonpeabody.com>; Nguyen, Elaine <eln@msk.com>
Subject: RE: Letchford v. Scotwork

[EXTERNAL E-MAIL]

Dear Justin,

As you know, following the deposition of Mr. White on July 20, I sent you a letter on July 21 demanding production of four documents or categories of documents. With the exception of your response relating to one such document, you have not provided any response to these demands.

As you also know, multiple additional relevant documents or categories of relevant documents were referenced by Mr. Buck, Mr. McMillan, and Ms. Laughlin during their respective depositions on July 22, July 24, and July 27. Those documents and/or categories of documents include the following:

- Any responses to the August 6 email from John McMillan to Brian Buck (LETC 813), including any email from Buck sent in response (this is in addition to our demand for a copy of the original email itself from Scotwork's email servers);
- The complete email that was produced as D 404-405;
- The email referenced in Mr. McMillan's December 21, 2018 email to Alan Smith (i.e., "the email" referenced in the statement, "Read the email");
- The version of D 394 (the December 29, 2018 draft email from John McMillan to Brian Buck and Cathy Rafferty) that was sent to Mr. Buck and Ms. Rafferty, including any responses thereto;
- The charter, constitution, and/or incorporation documents of Scotwork NA, referenced by Mr. McMillan;
- The attachments to the document produced as D 721 (a November 2, 2018 email from Marion Laughlin to Stephen White, John McMillan, and Warren Langley, with the subject line "Proposed Remuneration Brian Buck"), including but not limited to the attachment titled "B Buck Proposed Package 2019.xlsx"
- All annual profit and loss statements of Scotwork Canada for the years 2016 to present (Ms. Loughlin testified that these statements are maintained separately from the Scotwork NA P&Ls);
- The profit and loss statements created and maintained by the Scotwork NA financial team from 2016 to present (Ms. Loughlin testified that she bases the P&L statements that she creates off of the NA P&Ls, but that the NA P&Ls contain more detailed information).

We hereby reiterate our demand for the production of the foregoing documents, as well as the documents already referenced in my July 21 letter (with the exception of the one such document over which you claim attorney-client privilege). For the avoidance of doubt, the documents demanded in my July 21 letter were:

- The version of the document produced as LETCH 813 that is in Defendants' email servers;
- All documents reflecting "the issues John raised," as referenced in the document produced as D 388;
- The document produced for purposes of the mediation as D-Mediation 62. Again, the mere fact that this document was provided during mediation does not shield it from discovery. Please produce all versions of this document (and replies thereto) in discovery.

We also reserve the right to supplement the foregoing lists following review of the deposition transcripts.

With discovery set to close this week, it is imperative that we get these documents immediately, and/or reach an agreement to extend discovery to facilitate production. If you refuse to do so or we do not hear back from you by 5 pm tomorrow, we will request that the Court continue the end date of discovery solely with respect to the production of these documents and any additional deposition testimony necessitated thereby. I am available to discuss by phone tomorrow – as you may recall, I am moving this week so my time is limited, but if you would like to speak, please let me know when you are available and I will do my best to accommodate.

Best,

Jake

<image001.gif>

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From: Albertson, Jacob

Sent: Tuesday, July 21, 2020 12:36 PM

To: 'Guilfoyle, Justin' <jguilfoyle@nixonpeabody.com>

Cc: Daub, Tara Eyer <TDaub@nixonpeabody.com>; Nguyen, Elaine <eln@msk.com>

Subject: Letchford v. Scotwork

Dear counsel,

Please see the attached correspondence. As set forth in the attachment, I am available to meet and confer this afternoon.

Best,

Jake

<image001.gif>

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